

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH J. ZARTLER,)	
)	Civil Action
Petitioner)	No. 12-cv-06152
)	
)	
vs.)	
)	
MS. CAREN BRYANT,)	
Warden PPS/ASDCU,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF PHILADELPHIA and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 18th day of March, 2014, upon consideration
of the following documents:

1. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, dated October 27, 2013, which petition was filed by petitioner Kenneth J. Zartler pro se on October 31, 2012;
2. Motion to Stay Pending Habeas Corpus Action filed by respondents on May 24, 2013;
3. Response to Respondent's Petition to Stay, which response was filed by petitioner on September 12, 2013; and
4. Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated and filed September 30, 2013;

it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Sitarski; it further appearing that Magistrate Judge Sitarski's Report and Recommendation correctly determined the legal and

factual issues presented in the petition for writ of habeas corpus; it further appearing that petitioner, through counsel subsequently appointed to represent him, joins in respondents' motion to stay,

IT IS ORDERED that Magistrate Judge Sitarski's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that respondents' Motion to Stay Pending Habeas Corpus Action is granted.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus filed October 31, 2012 is stayed, and all proceedings are held in abeyance, pursuant to the decision of the United States Supreme Court in Rhines v. Weber, 544 U.S. 269, 125 S.Ct. 1528, 161 L.Ed.2d 440 (2005).

IT IS FURTHER ORDERED that the Clerk of Court shall place this matter in civil suspense until further Order of the undersigned.

IT IS FURTHER ORDERED that counsel for respondents shall advise the undersigned and counsel for petitioner every 45 days regarding the status of petitioner's underlying Pennsylvania state-court Post Conviction Relief Act (PCRA)¹ proceedings.

IT IS FURTHER ORDERED that within 30 days of the conclusion of petitioner's state-court proceedings, counsel for petitioner shall provide a written status report to the

¹ 42 Pa.C.S.A. §§ 9541-9546.

undersigned and opposing counsel, detailing the conclusion of his state-court exhaustion efforts, and including a copy of the relevant state-court disposition, whether the state-court proceedings have impacted the pending habeas corpus petition in any manner, and whether petitioner will seek to amend his current petition.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge